

Appendix 4 to request for proposal no. 091-BR1-2019 – Information clause concerning personal data processing

INFORMATION CLAUSE CONCERNING PERSONAL DATA PROCESSING

Pursuant to Art. 13 (1, 2) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 119 of 4 May 2016, page 1), hereinafter referred to as "GDPR," the Ordering Party hereby informs that it will process the personal data obtained in the course of this procedure, especially the personal data disclosed in the proposals, documents, and declarations enclosed with proposals; moreover, in fulfilment of its information obligation, the Ordering Party hereby indicates that:

- 1) The controller of your personal data is H. Cegielski - Fabryka Pojazdów Szynowych Sp. z o.o., with its registered office in Poznań, at ul. 28 Czerwca 1956 r., no. 223/229, 61-485 Poznań;
- 2) Your personal data will be processed pursuant to Art. 6 (1) (c) of the GDPR for the purpose of conduct of a tender procedure and, if a contract is concluded with you or the bidder that you represent, then for the purpose of performance of the contract and in order to enable exercise of mutual rights and obligations of the parties to the contract, including the needs associated with ensuring ongoing contacts. Additionally, if applicable laws require it, the personal data will be processed for tax-, accounting-, and reporting-related purposes;
- 3) The legal grounds for processing of your personal data is Art. 6 (1) (b) of the GDPR - processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- 4) The recipients of your personal data will be persons or entities to whom the documentation of the procedure will be submitted based on a contract for financing of the Applied Research Program 3, whose standard format is available at the website of the NCRD at https://www.ncbr.gov.pl/index.php?id=18409&L=0%25252523a6_u1%252525252 (hereinafter referred to as Financing Contract);
- 5) your personal data will not be transferred to a third country/an international organization without your consent, whereby transfer of your personal data to a third country is possible when the administrator of your electronic mail system uses servers that are physically located outside of the EEA for communication with the Company;
- 6) your personal data will be stored as long as there are grounds for their processing - i.e. if processing is necessary for the performance of a contract - until the procedure in question is resolved (this applies to entities with whom the contract for performance will not be signed) or for the duration of performance of the contract and for the time necessary for performance by the parties to the contract of the mutual claims that may arise from the contract (this applies to entities with whom the contract for performance will be signed). In each case, the period of storage of your personal data will not be shorter than the statutory period required for storage of this type of data;
- 7) In connection with processing of your personal data by the Company, you have:
 - a) the right to access your data, pursuant to Art. 15 of the GDPR;
 - b) the right to rectify your data, pursuant to Art. 16 of the GDPR;
 - c) the right to erase your data, pursuant to Art. 17 (1) of the GDPR;
 - d) the right to demand that the controller restrict the processing of the personal data pursuant to Art. 18 of the GDPR, subject to the cases mentioned in Art. 18 (2) of the GDPR;
- 8) You do not have:

- a) the right to erase your personal data in connection with Art. 17 (3) (b, d, or e) of the GDPR;
- b) the right to transfer the personal data mentioned in Art. 20 of the GDPR;
- c) the right to object to processing personal data pursuant to Art. 21 of the GDPR when the legal grounds for the processing of your personal data is Art. 6 (1) (c) of the GDPR;
- 9) If you find that processing of your personal data violates the provisions of the GDPR, you also have the right to file a complaint with the President of the Personal Data Protection Office;
- 10) Your duty to provide the personal data that applies to you directly is a requirement that arises from participation in the procedure in question and from the provisions of law, in particular from the Financing Contract mentioned in item 4 of this clause, associated with participation in the tender procedure; Provision of the data is voluntary but failure to provide the data will result in rejection of a Bidder from the procedure due to the lack of possibility of performance by the Company of the actions mentioned in item 3 above in a correct and complete manner;
- 11) Decisions concerning your personal data will not be made in an automated manner in compliance with Art. 22 of the GDPR.